

SECTION 11. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 12. This Act takes effect September 1, 1989.

SECTION 13. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 10, 1989, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1507 on May 24, 1989, by a non-record vote; passed by the Senate, with amendments, on May 22, 1989, by a viva-voce vote.

Approved June 14, 1989.

Effective Sept. 1, 1989.

CHAPTER 404

H.B. No. 1517

AN ACT

relating to a durable power of attorney.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 36A, Texas Probate Code, is amended to read as follows:

Sec. 36A. WHEN POWER OF ATTORNEY NOT TERMINATED BY DISABILITY.

(a) When a principal designates another his attorney in fact or agent by power of attorney in writing and the writing contains the words "this power of attorney shall not terminate on disability of the principal" or similar words showing the intent of the principal that the power shall not terminate on his disability, then the powers of the attorney in fact or agent shall be exercisable by him on behalf of the principal notwithstanding later disability or incompetence of the principal. All acts done by the attorney in fact or agent, pursuant to the power, during any period of disability or incompetence of the principal, shall have the same effect and shall inure to the benefit of and bind the principal as if the principal were not disabled or incompetent.

(b) *A durable power of attorney does not lapse because of the passage of time unless a time limitation is specifically stated in the instrument creating the power of attorney.*

(c) *A durable power of attorney must be:*

- (1) *in writing;*
- (2) *signed by a principal who is an adult;*
- (3) *witnessed and signed by two persons who are 18 years of age or older; and*
- (4) *filed for record in the county in which the principal resides, except for a power of attorney executed for medical care.*

(d) *If a durable power of attorney contains language authorizing the attorney in fact or agent to indemnify and hold harmless any third party who accepts and acts under the power of attorney, then the third party shall recognize the authority of the attorney in fact or agent and transact with the person in the same manner and to the same extent as the third party would transact with the principal.*

(e) If a guardian shall thereafter be appointed for the principal, the powers of the attorney in fact or agent shall terminate upon the qualification of the guardian, and the attorney in fact or agent shall deliver to the guardian all assets of the estate of the ward in his possession and shall account to the guardian as he would to his principal had the principal himself terminated his powers.

(f) *A durable power of attorney may be revoked by the principal signing an instrument revoking the power of attorney and filing it for record in the county in which the power of attorney is recorded.*

SECTION 2. Section 36A(c), Texas Probate Code, as added by this Act, applies only to durable powers of attorney executed on or after the effective date of this Act. A durable power of attorney that was executed before the effective date of this Act is governed by the law in effect when the power of attorney was executed, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 27, 1989, by the following vote: Yeas 129, Nays 0; that the House refused to concur in Senate amendments to H.B. No. 1517 on May 28, 1989, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1517 on May 29, 1989, by a non-record vote; passed by the Senate, with amendments, on May 25, 1989, by the following vote: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1517 on May 29, 1989, by the following vote: Yeas 31, Nays 0.

Approved June 14, 1989.

Effective Aug. 28, 1989, 90 days after date of adjournment.

CHAPTER 405

H.B. No. 1519

AN ACT

relating to continuing education requirements for insurance adjusters.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 7A, Chapter 407, Acts of the 63rd Legislature, Regular Session, 1973 (Article 21.07-4, Vernon's Texas Insurance Code), is amended to read as follows:

Sec. 7A. CONTINUING EDUCATION. (a) The board may adopt a procedure for certifying and may certify continuing education programs. [~~Participation in the programs is voluntary.~~]

(b) *Each adjuster, in order to renew a license issued under this article, must participate in a continuing education program relating to consumer protection laws, including:*

- (1) *Article 21.21, Insurance Code;*
- (2) *the Unauthorized Insurers False Advertising Process Act (Article 21.21-1, Vernon's Texas Insurance Code);*
- (3) *the Unfair Claim Settlement Practices Act (Article 21.21-2, Insurance Code);*
- (4) *the Deceptive Trade Practices-Consumer Protection Act (Subchapter E, Chapter 17, Business & Commerce Code); and*